

Remarks/Arguments

The Office Action of 08 July 2005 has been carefully reviewed and this response addresses the Examiner's concerns stated in the Office Action. All rejections are respectfully traversed.

Claim Rejections - 35 USC § 103

On pages 2-21, paragraphs 3-46 of the Office Action, claims 1, 3-11 and 13-20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Weinberg et al., U.S. Patent 6,360,332, (Weinberg) in view of Gerace, Thomas A., U.S. Patent 5,848,396 (Gerace), in further view of Godfrey et al. U.S. Patent No. 6,662,217 (Godfrey.) Please note that claim 1 is the base claim for claims 3-10 and claim 11 is the base claim for claims 13-20.

To each of base (independent) claims 1 and 11 have been added limitations related to the novel *proxy*-based aspects of the presently claimed invention. Applicants respectfully submit that the presently claimed invention from the cited art based upon the claimed proxy instructions implementation, as well as upon the browser platform independent web browser implementation of the instant transaction configuration tool. The record and playback mechanisms of the invention, via an HTTP proxy, allows ease-of-use and remote configuration ability. The transaction is recorded by the proxy and played back by the HTTP transaction test when the actual test is performed. In the presently claimed invention, a set of web-page-based transaction editing frames are used to create, select, record, and edit a transaction, in contrast to the systems of the cited art, which appear to permit test script editing either through proprietary, hierarchical graphical representations of a test or by installing test components on either the user's web browser or the Internet service under test (SUT), either or both of which must be registered with a central test system.

None of the cited references appear to disclose or suggest operation by a proxy and transaction test creation, editing and periodic automatic testing through an independent web browser. Godfrey is cited in the instant Action as disclosing proxy instructions for capturing HTML requests and responses between the web browser and the SUT, but it is not clear to Applicants that this is how Godfrey's system operates. Rather, it appears that while Godfrey's administration client browser 50 may communicate with the automated test server 22 via HTTP to initiate stress testing by participating clients, those communications are not being recorded to *configure* a test as recited in claims 1 and 11, as amended. That is, it does not

appear that any transactions between Godfrey's administration client and the SUT are being recorded, edited and played back as transaction tests.

Applicants also respectfully reassert that that Weinberg discloses (see col. 8, line 46 through col. 9, line 24) a testing tool including a user interface through which a user interacts with a transactional server. Weinberg teaches that the front end of the testing tool is preferably a commercially available client component, such as a browser, but that the front end/user interface is an integral part of the testing tool (see col. 20, line 58 through col. 21, line 37.) The web browser of the presently claimed invention plays a distinct role from the front end/user interface taught by Weinberg. Whereas in Weinberg the user interface is incorporated into the testing tool, in the presently claimed the web browser may be any remote browser not functionally integrated with the *processor* responsible for the operation of the web browser, other than to receive and transfer information to the web browser. The testing tool of Weinberg is more akin to the client software as discussed in Applicants' specification (see paragraph [0006]), wherein a complex application is loaded upon the same machine upon which the web browser operates. As discussed, such testing tools/applications require at a minimum cookies or Java applets to be stored on the user's machine. Weinberg's testing tool appears to require the entire test application be stored on the user's machine, unlike the presently claimed invention, which allows the user to access the processor remotely with no interference or local storage requirement on the user's machine. Rather, the processor of the presently claimed invention enables any web browser to record, edit and play back a transaction through communications with the processor (see Figure 11 of the instant specification), and the processor serves to generate and transfer Hypertext Markup Language (HTML) pages without cookies to the web browser (emphasis added.)

Applicants additionally note that the cited art does not appear to disclose or suggest the ability to edit automated test scripts by recording web page activity as recited in amended claims 1 and 11. Weinberg's testing tool uses a commercially available web browser only to record a transaction, and thereafter employs a proprietary user interface to present alternative tree or spiral structures for clicking and dragging icons about the screen to perform editing of a captured session. In contrast, the presently claimed invention allows a user to employ his/her web browser (again, operationally distinct from the processor implementing the present invention) to facilitate editing of a transaction session to create test cases.

Applicants respectfully indicate that, to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the reference itself or in the knowledge generally available to one of ordinary skill in the art, to modify the reference. Second, there must be a reasonable expectation of success. Finally, the prior art reference must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in Applicants' disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). Further, obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either explicitly or implicitly in the references themselves or in the knowledge generally available to one of ordinary skill in the art. Since the references, separately or in combination, do not teach or suggest *proxy instructions configured to direct the processor to capture HTML requests and responses that flow between the web browser and the Internet server system, to extract information from the captured HTML requests and responses for configuring the transaction, to edit the transaction, to store the configured transaction, and to play back the configured transaction in a periodic, automatic manner for testing the Internet server system and generating transaction test results*, either expressly or inherently, Applicants' claims 1 and 11, as amended, (as well as claims 3-10 and 13-20 that, respectively, depend therefrom and that further define the invention) are not made obvious by the cited art, and a rejection under 35 U.S.C. § 103 is inappropriate. Applicants respectfully assert that claims 1, 2-11 and 13-20 are now in condition for allowance. Applicants respectfully request the withdrawal of rejections under 35 U.S.C. § 103(a) with regards to such claims for the reasons set forth above.

Conclusion

Claims 1, 2-11 and 13-20 are believed to be in condition for allowance. All dependent claims are believed to depend upon allowable independent claims, and are therefore also in condition for allowance. Applicants note that the instant Action asserts that prior amendments do not entirely convey the merits of the present invention argued herein, and thus do not overcome the teachings of Weinberg. Applicants respectfully request a telephone interview with the Examiner to discuss the merits of the present invention as claimed, with an invitation to contact the undersigned at a time convenient to the Examiner.

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The following information is presented in the event that a call may be deemed desirable by the Examiner:

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Respectfully submitted,
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Date: November 8, 2005

By:


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